

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NELSON ABARCA,

Petitioner,

v.

STEPHEN D'ILIO, et al.,

Respondents.

Civil Action No. 14-5158 (MAS)

MEMORANDUM AND ORDER

IT APPEARING THAT:

1. On or about August 19, 2014, *Pro se* Petitioner Nelson Abarca filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1.)
2. On September 10, 2014, this Court issued a Memorandum and Order administratively terminating the case because Petitioner did not submit a complete, signed habeas petition on the proper form (*i.e.*, AO241 (modified)) as required under L.Civ.R. 81.2(a). (ECF No. 2.) The Order allowed Petitioner the opportunity to re-open his case upon submission of the proper habeas form. (*Id.*)
3. On September 30, 2014, Petitioner submitted an amended habeas petition but did not sign the petition as required under L.Civ.R. 81.2(a). *See also* Rule 2(c)(5) of the Rules Governing Section 2254 Cases in the United States District Courts (“§ 2254 Habeas Rules”). Specifically, Petitioner did not sign and date the “amended petition” on page 17, where indicated. (ECF No. 3.)
4. On October 1, 2014, Petitioner paid the \$5.00 filing fee.

THEREFORE, it is on this 5th day of February, 2015;

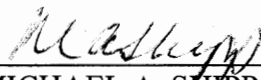
ORDERED that Petitioner's application to re-open this case is DENIED WITHOUT PREJUDICE; and it is further

ORDERED that the Clerk of the Court shall forward Petitioner a blank habeas petition form—AO 241 (modified):DNJ-Habeas-008(Rev.01-2014); and it is further

ORDERED that if Petitioner wishes to reopen this case, he shall so notify the Court, in writing addressed to the Clerk of the Court, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Room 2020, Trenton, New Jersey 08608, within 30 days of the date of entry of this Memorandum and Order; Petitioner's writing shall include a complete, signed habeas petition on the appropriate form (Petitioner may re-submit his amended petition with his signature affixed where required); and it is further

ORDERED that upon receipt of a writing from Petitioner stating that he wishes to reopen this case, and a complete, signed petition, the Clerk of the Court will be directed to reopen this case; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Memorandum and Order upon Petitioner by regular U.S. mail.



MICHAEL A. SHIPP
United States District Judge